

**UNITED STATES OF AMERICA DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION AT MEMPHIS**

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Donella D. (pseudonym),  
Plaintiff,

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)

DOCKET NUMBER  
19-2384-TLP-dkv

v.

)

DEPARTMENT OF THE TREASURY, IRS  
Steven T. Mnuchen, Secretary,  
Agency.

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)  
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DATE: JUNE 17, 2019

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**MOTION TO APPEAL DENIAL OF COURT APPOINTED COUNSEL**

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**TO THE HONORABLE CHANCELLORS AND/OR MAGISTRATES OF THE UNITED STATES OF AMERICA DISTRICT COURT IN TENNESSEE FOR THE WESTERN DISTRICT AT MEMPHIS**

**I. JURISDICTION AND PARTIES**

Pursuant to Federal Rule of Civil Procedure Plaintiff moves to appeal the “ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL” denial of court appointed counsel a court appointed attorney. This matter is before the Court on the motion of the Plaintiff, to receive a court appointed attorney.

**WHEREFORE**, the Petitioner respectfully requests that this motion be granted and this Court and/or Chief Magistrate enter an order

(1.) Granting leave for the Petitioner to receive a court-appointed attorney.

## II. ARGUMENT

Plaintiff seeks the Court grant her leave to receive a court-appointed attorney.

Pursuant to 28 U.S.C. '1915(e)(1), A [t]he court may request an attorney to represent any person unable to afford counsel.” Plaintiff has dutifully furnished the court with documents related to her current financial plight for which it has been deemed by this court that the Plaintiff is a ‘pauper.’ A pauper is a person unable to pay for not only the filing fees but since she has been deemed unable to pay for the filing fees, it is incomprehensible that Plaintiff would be able to pay for legal fees. Through denial of Court Appointed Counsel, the Court is taxing the poor and ensuring that the poor have no voice and thus, the decision-making ensures that only justice belongs to the rich when under the U.S. Consitution, ‘All are created *equal*.’ All includes the rich as well as the poor for through federal legislation, we, Americans, have the “EQUAL’ rights for all not for just for some. “EQUAL” opportunities for all, not some. Through civil liberties, Americans have “EQUAL” protections under the law and the poor should not pushed down further but lifted up so that they can have a good footing to compete. “Injustice anywhere is a threat to justice everywhere. / For evil to succeed, all it needs is for good men to do nothing.” Therefore, it is up to the judge/chief magistrate whether to be good or bad. Greater reward in heaven is to help someone who cannot help you, than to help someone who is already rich who can help themselves.

Moreover, under 42 U.S.C. ' 2000e-5(f)(1),A upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney” and tin this circumstance where it has been deemed by the COURT that Plaintiff is a pauper as well as a veteran of these United States of America, has been deemed unable to pay for the filing fees, it is incomprehensible that Plaintiff would be able to pay for legal fees. Unlike that stated in the order

denying counsel, in no manner has the Plaintiff shown that she can defend herself legally in a federal court. Plaintiff has no legal training. Only a giant thinks himself mighty when he has defeated an ant. Without legal counsel representation, the Chief Magistrate is ensuring that countless others, like me, cases are unheard and buried thus, when those who work for the Court and make decisions to not ensure provision of legal representation, he/she can look to the poverty in Memphis and surely know that he/she assisted in causing it.

Plaintiff defended the country, now, it is the Plaintiff who needs the country to assist in her time of defense.

### **III. CONCLUSION**

For the foregoing reasons, Plaintiff requests that the Court grant her leave to receive an appeal of the motion denying court-appointed counsel. Plaintiff requests that she is provided a court-appointed attorney.

Respectfully submitted this 17th day of June, 2019.

BY: 

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